

REMARKS

Claims 1-9 and 11-16 are all the claims pending in the application. Claims 1, 5-7, 11-16 have been amended and claim 10 has been canceled.

Claim Objections

The Examiner objected to claims 5-14 under 37 CFR § 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim.

Applicant herein amends claims 5-14 to remove the multiple dependency. Applicant therefore respectfully requests the Examiner to withdraw this rejection of claims 5-14.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1-3 & 15-16 under 35 U.S.C. § 102(e) as allegedly being anticipated by Kanamori (EP 0845716). Of these rejected claims, only claims 1, 15, and 16 are independent. Applicant turns first to claim 1, as now amended, which requires:

an image data designating unit for designating the image data acquired by said image data acquisition unit to be either color image data or monochrome image data; and

a tone setting unit for setting a tone to demarcate said reference area in response to the designation by said image data designating unit.

Applicant respectfully submits that Kanamori does not meet this requirement. Applicant does not presently disagree with the Examiner that Kanamori teaches an image data processing arrangement where acquired image data is subjected to histogram analysis; the result of this analysis is used to detect peaks which are indicative of background data.

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Kanamori does not teach or suggest an apparatus that designates “the image data acquired by said image data acquisition unit to be either color image data or monochrome image data” nor that requires “a tone setting unit for setting a tone to demarcate said reference area in response to the designation by said image data designating unit.”

As Kanamori does not meet the above-identified requirement of independent claim 1, Kanamori cannot be said to anticipate the claim within the meaning of 35 U.S.C. § 102. Kanamori does not contain any teaching or suggestion of such a feature, either, and therefore Applicant respectfully submits that Kanamori could not be said to render the subject matter of claim 1 obvious within the meaning of 35 U.S.C. § 103.

Applicant therefore respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2 and 3.

Regarding claims 15 and 16, in view of the substantial similarities between amended claims 15 and 16, Applicant discusses only amended claim 15 but respectfully submits that the following remarks are equally applicable to claim 16. Claim 15, as now amended, requires:

designating the image data acquired by said image data acquisition unit to be either color image data or monochrome image data; and
setting a tone to demarcate said reference area in response to the designation by said image data designating unit.

For substantially the same reasons as set forth above with respect to claim 1, Applicant also respectfully submits that independent claims 15 and 16 patentable distinguish over Kanamori. Applicant therefore respectfully requests the Examiner to withdraw this rejection with respect to claims 15 and 16.

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The Examiner rejected claims 1, 4, & 15-16 under 35 U.S.C. §102(b) as being anticipated by Tinkler. Of these rejected claims, only claims 1, 15, and 16 are independent. First turning to claim 1 with requirements as set out above.

Applicant does not presently disagree with the Examiner that Tinkler teaches an image data process arrangement in which image data is subjected to histogram analysis and that the result of this analysis is used to detect image background regions using a standard deviation value of the histogram.

However, Tinkler does not teach an apparatus that designates “the image data acquired by said image data acquisition unit to be either color image data or monochrome image data” and that requires “a tone setting unit for setting a tone to demarcate said reference area in response to the designation by said image data designating unit.”

Like Kanamori, Tinkler does not meet the above-identified requirement of independent claim 1 and cannot be said to anticipate the claim within the meaning of 35 U.S.C. § 102. Tinkler does not contain any teaching or suggestion of such a feature, either, and therefore Applicant respectfully submits that Tinkler could not be said to render the subject matter of claim 1 obvious within the meaning of 35 U.S.C. § 103.

Applicant therefore respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claim 4.

Now regarding claims 15 and 16; in view of the substantial similarities between amended claims 15 and 16, Applicant discusses only amended claim 15 but respectfully submits that the

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following remarks are equally applicable to claim 16. Applicant respectfully submits that Tinkler does not meet the requirements of amended claim 15 as set forth above.

For substantially the same reasons as set forth above regarding Tinkler with respect claim 1, Applicant, as well, respectfully submits that independent claims 15 and 16 patentable distinguish over Tinkler. Applicant therefore respectfully requests the Examiner to withdraw this rejection with respect to claims 15 and 16.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: October 20, 2004